

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	x	
	:	
UNITED STATES OF AMERICA	:	
	:	
- v. -	:	<u>INDICTMENT</u>
	:	
	:	S2 09 Cr. 430 (CS)
SONNY DESPOSITO,	:	
	:	
Defendant.	:	
- - - - -	x	

COUNT ONE

The Grand Jury charges:

1. On or about January 23, 2009, in the Southern District of New York, SONNY DESPOSITO, the defendant, unlawfully, wilfully, and knowingly, by force and violence, and by intimidation, did take from the persons and presence of others, property and money belonging to, and in the care, custody, control, management, and possession of, a bank, to wit, M&T Bank, 770 Chestnut Ridge Road, Chestnut Ridge, New York, the deposits of which are insured by the Federal Deposit Insurance Corporation ("FDIC"), and in committing said offense did assault persons and put in jeopardy the lives of such persons by the use of a dangerous weapon and device, to wit, a pellet gun.

(Title 18, United States Code, Sections 2113(a) & (d))

COUNT TWO

The Grand Jury further charges:

2. On or about January 23, 2009, in the Southern District of New York, SONNY DESPOSITO, the defendant, unlawfully, wilfully, knowingly, and corruptly did alter, destroy, mutilate, and conceal a record, document, and other object and attempted to do so, with the intent to impair the object's integrity and availability for use in an official proceeding, to wit, DESPOSITO attempted to destroy and mutilate evidence of the bank robbery charged in Count One of this Indictment, including, among other things, a black knit cap, various items of clothing, a pair of shoes, a pillowcase, license plates, and a pair of sunglasses.

(Title 18, United States Code, Section 1512(c)(1))

COUNT THREE

The Grand Jury further charges:

3. On or about January 23, 2009, in the Southern District of New York, SONNY DESPOSITO, the defendant, unlawfully, wilfully, and knowingly, did use fire to commit a felony which may be prosecuted in a court of the United States, to wit, DESPOSITO used fire to commit the evidence tampering felony set forth in Count Two of this Indictment.

(Title 18, United States Code, Section 844(h)(1))

COUNT FOUR

The Grand Jury further charges:

4. On or about January 23, 2009, in the Southern

District of New York, SONNY DESPOSITO, the defendant, unlawfully, wilfully, and knowingly, did use fire to commit a felony which may be prosecuted in a court of the United States, to wit, DESPOSITO used fire to commit the bank robbery felony set forth in Count One of this Indictment.


(Title 18, United States Code, Section 844(h)(1))


COUNT FIVE

The Grand Jury further charges:

5. In or about April 2009, in the Southern District of New York and elsewhere, SONNY DESPOSITO, the defendant, unlawfully, wilfully, knowingly, and corruptly, did obstruct, influence, and impede an official proceeding, and attempted to do so, to wit, DESPOSITO attempted to fabricate evidence relating to a can of lighter fluid, in connection with a United States District Court proceeding.

(Title 18, United States Code, Section 1512(c)(2))


FOREPERSON


PREET BHARARA
United States Attorney